

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
:
- v. - : CONSENT PRELIMINARY ORDER
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DERRICK BANKS, : OF FORFEITURE/
Defendant. : MONEY JUDGMENT
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WHEREAS, on or about January 2, 2020, DERRICK BANKS (the “Defendant”), among others, was charged in a three-count Indictment, 20 Cr. 003 (KPF) (the “Indictment”), with conspiracy to commit bank fraud and wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Two); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1) and (b) and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any and all property constituting, or derived from proceeds the Defendant obtained directly or indirectly, as a result of the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Indictment included a second forfeiture allegation as to Count Two, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count Two of the Indictment, or any property traceable to such property, including but not limited to a sum of

money in United States currency representing the amount of property involved in the offense charged in Count Two of the Indictment;

WHEREAS, on or about September 14, 2021, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One and agreed to forfeit to the United States, pursuant to, *inter alia*, Title 18, United States Code, Section 982(a)(2)(A), a sum of money equal to \$900,475 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Indictment; and

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$900,475 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendants Farouk Kukoyi and Baldwin Osuji up to \$20,500 and with co-defendant Anthony Lee Nelson up to \$784,315, to the extent a forfeiture money judgment is entered against those co-defendants; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Thomas Burnett of counsel, and the Defendant, and his counsel, Joshua Dratel, Esq., that:

1. As a result of the offenses charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$900,475 in United States currency

(the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant, for which the Defendant is jointly and severally liable with co-defendants Farouk Kukoyi and Baldwin Osuji up to \$20,500 and with co-defendant Anthony Lee Nelson up to \$784,315, to the extent a forfeiture money judgment is entered against those co-defendants.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, DERRICK BANKS, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Department of Treasury, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. The United States Department of Treasury or its designee shall be authorized to deposit the payment on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

[REMAINDER INTENTIONALLY LEFT BLANK]

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

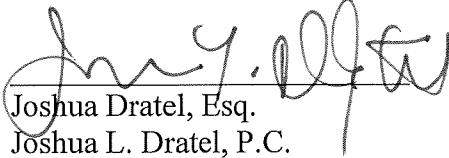
By: 
Thomas Burnett
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1064

5/3/2022
DATE

DERRICK BANKS

By: 
Derrick Banks
Defendant

5/4/2022
DATE

By: 
Joshua Dratel, Esq.
Joshua L. Dratel, P.C.
29 Broadway, Ste. 1412
New York, New York 10006
Attorney for Defendant

5/4/22
DATE

SO ORDERED:


HONORABLE KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

5/4/2022
DATE